

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/30/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KIMBERLY MILLER, *on behalf of herself and all other* :  
*persons similarly situated,* :

Plaintiff, :

-v- :

GEM PAWNBROKERS OF NY INC. *and* GEM :  
PAWNBROKERS LONG ISLAND CORP., :

Defendants. :

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GREGORY H. WOODS, United States District Judge:

1:22-cv-6881-GHW

ORDER

By letter dated October 28, 2022, Defendant GEM Pawnbrokers of NY Inc. has informed the Court that this case has settled. Accordingly, it is hereby ORDERED that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal.<sup>1</sup> Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active

<sup>1</sup> As explained in Rule 4(E) of the Court's Individual Rules of Practice in Civil Cases, the Court will not retain jurisdiction to enforce confidential settlement agreements. If the parties wish that the Court retain jurisdiction to enforce the agreement, the parties must place the terms of their settlement agreement on the public record.


calendar within such 30-day period.

The October 28, 2022 letter submitted by Defendant GEM Pawnbrokers of NY Inc. states that the parties “hope to be in a position to submit a proposed Consent Decree for approval within the next 30 days” and that the “Consent Decree would address the ADA issues raised by the Complaint.” The parties should not expect that the Court will enter any purported consent decree.

The Clerk of Court is further directed to terminate all pending motions, adjourn all remaining dates, and to close this case.

SO ORDERED.

Dated: October 30, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge